

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

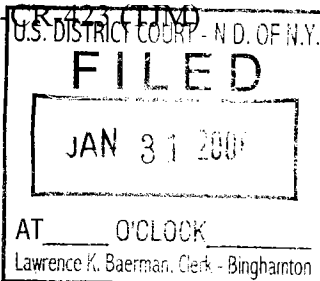
v.

JOSEPH ROY,

Defendant(s).

ORDER OF DISMISSAL

Criminal No. 07-



Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of Court endorsed hereon, the United States Attorney for the Northern District of New York hereby dismisses, *without prejudice*, the charges against **JOSEPH ROY** contained in Indictment No. 07-CR- 423 (TJM), filed on September 27, 2007.

In a report dated December 14, 2007, Dr. Elissa Miller of the Federal Bureau of Prisons, after conducting a competency examination pursuant to 18 U.S.C. § 4241(b), concluded that Mr. Roy is not competent to stand trial. It was also her opinion that based upon his age and physical condition that there is not a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.

I have spoken to Mr. Roy's attorney, Robert A. Gouldin, and he has no objection to the dismissal.

Dated: January 28, 2008
Albany, New York

GLENN T. SUDDABY
UNITED STATES ATTORNEY

BY

Thomas Spina Jr.

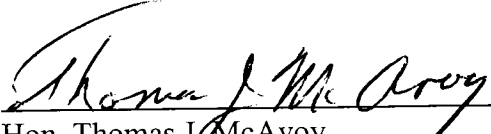
THOMAS SPINA JR.
ASSISTANT U.S. ATTORNEY

* * *

Leave of Court is granted for the filing of the foregoing dismissal.

It is so ordered:

Dated: Jan 31, 2008
Albany, New York


Hon. Thomas J. McAvoy
U.S. District Court Judge